

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

UNITED STATES OF AMERICA,

VS.

CRIMINAL ACTION NO. 4:06CR104-P-B

**JENNIFER YVONNE BERRY,
JOHNNIE LEE WINFIELD, AND
REHAB SOURCE, INC.,**

DEFENDANTS.

ORDER CONTINUING TRIAL

This matter comes before the court upon Defendant Jennifer Y. Berry's Motion for Continuance [52-1]. After due consideration of the motion the court finds as follows, to-wit:

Trial is currently set for all defendants on May 21, 2007. Counsel for Defendant Berry avers that the current trial date conflicts with his service in the Mississippi Legislature. Since the most recent term of the Legislature ended on March 30, 2007, counsel avers that his time to reasonably prepare for trial in this case has been curtailed.

The Government has no objection to the continuance.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. section 3161(h)(8)(A), the period of delay from May 21, 2007 until the new trial date to be set in this matter. The time is excludable under subsection (h)(8)(A) because, given the circumstances described above, a continuance is necessary to afford the defendant's counsel more time to adequately prepare for their client's defense. As such, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS THEREFORE ORDERED AND ADJUDGED that:

(1) Defendant Jennifer Y. Berry's Motion for Continuance [52-1] is hereby **GRANTED**;

(2) Trial of this matter is continued as to all defendants until Monday, August 6, 2007 at 9:00 a.m. in the United States Courthouse in Greenville, Mississippi;

(3) The delay from May 21, 2007 to August 6, 2007 is excluded from Speedy Trial Act considerations as set out above;

(4) The deadline for filing pretrial motions is July 16, 2007; and

(5) The deadline for submitting a plea agreement is July 23, 2007.

SO ORDERED this the 10th day of April, A.D., 2007.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE